

FILED

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2009 SEP 28 AM 11:30

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

8 BRIAN MACSTRAVIC

9 Plaintiff,

10 vs.

11 NATIONAL ACTION FINANCIAL  
12 SERVICES, INC.

13 Defendant.

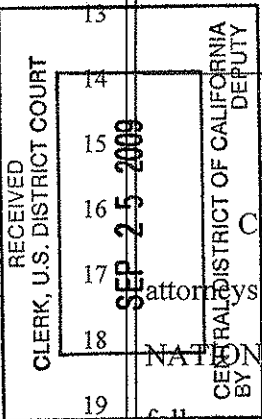
Case No. **CV 09 07024 DSF (RZx)**  
) **VERIFIED COMPLAINT AND DEMAND**  
) **FOR JURY TRIAL**  
)  
) **(Unlawful Debt Collection Practices)**  
) **Demand Does Not Exceed \$10,000**  
)  
)

14 COMPLAINT

15 COMES NOW the Plaintiff, BRIAN MACSTRAVIC ("Plaintiff"), by and through his  
16 attorneys, KROHN & MOSS, LTD., and for Plaintiff's Complaint against Defendant,  
17 NATIONAL ACTION FINANCIAL SERVICES, INC. alleges and affirmatively states as  
18 follows.  
19

20 INTRODUCTION

21 1. The United States Congress has found abundant evidence of the use of abusive,  
22 deceptive, and unfair debt collection practices by many debt collectors, and has determined that  
23 abusive debt collection practices contribute to the number of personal bankruptcies, to marital  
24 instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair  
25 Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (hereinafter "FDCPA"), to eliminate



1 abusive debt collection practices by debt collectors, to insure that those debt collectors who  
2 refrain from using abusive debt collection practices are not competitively disadvantaged, and to  
3 promote consistent State action to protect consumers against debt collection abuses. (15 U.S.C.  
4 1692(a) – (e)).

5         2.       The California legislature has determined that the banking and credit system and  
6 grantors of credit to consumers are dependent upon the collection of just and owing debts and  
7 that unfair or deceptive collection practices undermine the public confidence that is essential to  
8 the continued functioning of the banking and credit system and sound extensions of credit to  
9 consumers. The Legislature has further determined that there is a need to ensure that debt  
10 collectors exercise this responsibility with fairness, honesty and due regard for the debtor's rights  
11 and that debt collectors must be prohibited from engaging in unfair or deceptive acts or practices.  
12 (Cal. Civ. Code §1788.1(a) – (b)).

13         3.       Plaintiff, through Plaintiff's attorneys, brings this action to challenge the actions  
14 of NATIONAL ACTION FINANCIAL SERVICES, INC. (hereinafter "Defendant") with regard  
15 to attempts by Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly  
16 owed by Plaintiff, and this conduct caused Plaintiff damages.

17         4.       For the purposes of this Petition, unless otherwise indicated, "Defendant"  
18 includes all agents, employees, officers, members, directors, heirs, successors, assigns,  
19 principals, trustees, sureties, subrogees, representatives and insurers of Defendant named in this  
20 caption.

#### 21                                 JURISDICTION AND VENUE

22         5.       Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that  
23 such actions may be brought and heard before "any appropriate United States district court  
24 without regard to the amount in controversy" and 28 U.S.C. 1367 grants this court supplemental  
25 jurisdiction over the state claims contained therein.

1 6. Defendant conducts business in the state of California, and therefore, personal  
2 jurisdiction is established.

3 7. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

4 8. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

5 **PARTIES**

6 9. Plaintiff is a natural person who resides in the City of San Diego, County of  
7 Diego, State of California and is obligated or allegedly obligated to pay a debt and is a  
8 "consumer" as that term is defined by 15 U.S.C. 1692a(3).

9 10. Plaintiff is a natural person from whom a debt collector sought to collect a  
10 consumer debt which was due and owing or alleged to be due and owing from Plaintiff and is a  
11 "debtor" as that term is defined by California Civil Code § 1788.2(h).

12 11. Plaintiff is informed and believes, and thereon alleges, that Defendant is a  
13 business located in Tampa, Hillsborough County, Florida

14 12. Plaintiff is informed and believes, and thereon alleges, that Defendant uses  
15 instrumentalities of interstate commerce or the mails in any business the principal purpose of  
16 which is the collection of any debts, or who regularly collects or attempts to collect, directly or  
17 indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as  
18 that term is defined by 15 U.S.C. § 1692a(6).

19 13. Plaintiff is informed and believes, and thereon alleges, that Defendant is not a  
20 firm of attorneys or counselors at law and is a company who, in the ordinary course of business,  
21 regularly, on behalf of itself or others, engages in debt collection as that term is defined by  
22 California Civil Code § 1788.2(b), and is a "debt collector" as that term is defined by California  
23 Civil Code § 1788.2(c).

24 **FACTUAL ALLEGATIONS**

25 14. Defendant has placed constant and continuous collection calls to Plaintiff seeking

1 and demanding payment for an alleged debt.

2 15. Defendant called Plaintiff from 800-613-1802.

3 16. Defendant communicated to third parties, Plaintiff's girlfriend that Plaintiff  
4 allegedly owes a debt.

5 COUNT I

6 DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,  
7 (FDCPA), 15 U.S.C. § 1692 et seq.

8 17. Plaintiff repeats, re-alleges and incorporates by reference all of the foregoing  
9 paragraphs.

10 18. Defendant violated the FDCPA based on the following:

11 a. Defendant violated §1692b(2) of the FDCPA by stating Plaintiff owes a debt  
12 on the Plaintiff's voicemail, and thus, disclosing this to Plaintiff's girlfriend.

13 b. Defendant violated §1692c(b) of the FDCPA by communicating with third  
14 parties, Plaintiff's girlfriend, in connection with the collection of Plaintiff's  
15 alleged debt.

16 c. Defendant Violated §1692(d) by engaging in conduct the natural consequence  
17 of which is to harass, oppress, and abuse Plaintiff.

18 d. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring  
19 and engaging people in telephone conversation repeatedly and continuously  
20 with the intent to annoy, abuse, and harass Plaintiff.

21  
22 19. As a consequence of Defendant's foregoing actions, Plaintiff has suffered from  
23 emotional distress.

**COUNT II**

**DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION  
PRACTICES ACT (RFDCPA), Cal. Civ. Code § 1788 et seq.**

20. Plaintiff repeats, re-alleges and incorporates by reference all of the foregoing paragraphs.

21. Defendant violated the RFDCPA based on the following:

a. Defendant violated §1788.11(d) of the RFDCPA by placing collection calls to Plaintiff repeatedly and continuously so as to annoy Plaintiff.

b. Defendant violated §1788.11(e) of the RFDCPA by placing collection calls to Plaintiff with such frequency as to be unreasonable and to constitute harassment to Plaintiff under the circumstances.

c. Defendant violated §1788.12(b) of the RFDCPA by communicating with Plaintiff's girlfriend in connection with the collection of Plaintiff's alleged debt.

d. Defendant violated the §1788.17 of the RFDCPA by continuously failing to comply with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692 et seq.

22. As a consequence of Defendant's foregoing actions, Plaintiff has suffered from emotional distress.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

23. Declaratory judgment that the Defendant's conduct violated the State Act, RFDCPA, and Federal Act, FDCPA.

1 24. Actual damages.

2 25. Statutory damages pursuant to the State Act, Cal. Civ. Code § 1788.30(b).

3 26. Statutory damages pursuant to the Federal Act, 15 U.S.C. 1692k.

4 27. Costs and reasonable attorney's fees pursuant to the State Act, Cal. Civ Code §  
5 1788.30(c) and the Federal Act, 15 U.S.C. 1692k.

6 28. Any other relief that this court deems to be just and proper.

7 RESPECTFULLY SUBMITTED,

8 DATED: September 4, 2009

KROHN & MOSS, LTD.

9  
10 By: 

11 G. Thomas Martin, III  
12 Attorney for Plaintiff

13 **DEMAND FOR JURY TRIAL**

14 PLEASE TAKE NOTICE that Plaintiff, NATIONAL ACTION FINANCIAL  
15 SERVICES, INC., demands trial by jury in this action.  
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF CALIFORNIA

Plaintiff, BRIAN MAC STRAVIC, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BRIAN MAC STRAVIC, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATED: 9/1/09

Brian Mac Stravic  
BRIAN MAC STRAVIC, PLAINTIFF

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Dale S. Fischer and the assigned discovery Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

**CV09- 7024 DSF (RZx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

BRIAN MACSTRAVIC,

PLAINTIFF(S)

v.

NATIONAL ACTION FINANCIAL SERVICES,  
INC.

DEFENDANT(S).

CASE NUMBER

CV09 07024

DSF (RZX)

SUMMONS

TO: DEFENDANT(S): NATIONAL ACTION FINANCIAL SERVICES, INC.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Michael Agruss Esq., whose address is Krohn & Moss, Ltd.; 10474 Santa Monica Blvd., Suite 401; Los Angeles, CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 28 2009

By: \_\_\_\_\_

**CHRISTOPHER ROWERS**

Deputy Clerk

(Seal of the Court)

*[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].*

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) BRIAN MACSTRAVIC		<b>DEFENDANTS</b> NATIONAL ACTION FINANCIAL SERVICES, INC.	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Krohn & Moss, Ltd.; G. Thomas Martin, III, Esq., Michael S. Agruss, Esq. 10474 Santa Monica Blvd., Suite 401; Los Angeles, CA 90025 (323) 988-2400		Attorneys (If Known)	

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

  
**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding    
☐ 2 Removed from State Court    
☐ 3 Remanded from Appellate Court    
☐ 4 Reinstated or Reopened    
☐ 5 Transferred from another district (specify):    
☐ 6 Multi-District Litigation    
☐ 7 Appeal to District Judge from Magistrate Judge
   
  
**V. REQUESTED IN COMPLAINT:**    **JURY DEMAND:** ☒ Yes    ☐ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION** under F.R.C.P. 23: ☐ Yes    ☒ No                      **MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_
   
  
**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 15 USC 1692 et seq.; Unlawful and Abusive Debt Collection Practices
   
  
**VII. NATURE OF SUIT** (Place an X in one box only.)
 

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

CV09 07024

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Diego (CA)	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Erie (NY)

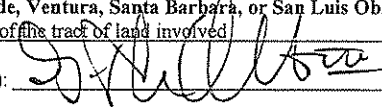
(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Diego (CA)	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date September 3, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))